Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98

REPLY

National Exchange Carrier Association, Inc.
100 South Jefferson Road
Whippany, New Jersey 07981

May 30, 1996

TABLE OF CONTENTS

SUMMARY

In implementing the 1996 Act, the Commission must separate and address three critically important, yet highly-interrelated sets of issues. Considering the tight time frame for developing local interconnection rules, it is simply not feasible for the Commission to address here those universal service and interstate access issues that are interrelated to local interconnection, but which require additional policy considerations and administrative proceedings. Thus, the Commission should ensure congruity with those other future rules, which must be fully addressed in separate proceedings.

In these reply comments, NECA addresses three important areas. First, the 1996 Act provides no legal basis for allowing interexchange carriers to avoid interstate access charges. NECA shows, and the record supports, that a recommended decision of the Joint Board would be necessary to alter current separations rules for allocating joint costs between the interstate and intrastate jurisdictions. Moreover, to alter its Part 69 access charge rules, the Commission must provide adequate public notice and opportunity to comment.

Second, NECA shows, and the record supports, that local exchange carriers (LECs), especially rural incumbent LECs, must be allowed to recover their embedded costs. The 1996 Act does not preclude the recovery of such costs, and requiring the use of a methodology such as long-run incremental cost (LRIC) would prove confiscatory.

Finally, NECA urges, and the record supports, the Commission to establish recommended guidelines to ensure that *bona fide* requests for interconnection be detailed and specific enough, and specify ample time frames, to provide for adequate cost recovery for LECs, especially rural incumbent LECs, and preclude any needless investment on their part.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98

REPLY

The Telecommunications Act of 1996 ("1996 Act") provided a major dilemma for the Commission in necessitating separate proceedings, with disparate time frames, to implement three sets of critically important, yet highly-interrelated issues. These issues are this docket's interconnection (local competition) issues, universal service and interstate access reform. To add to this burden, the Commission must meet demanding congressional deadlines for this docket and for universal service.

If the record in this docket has revealed anything,[1] it has revealed the difficulty in separating these issues to reform the current telecommunications paradigm. Given present day multi-service telecommunications companies and technologies, some parties argue that a distinction between the existing interstate access charge system and the proposed local interconnection obligations will not further the pro-competitive purposes of the 1996 Act. Current separations and interstate access rules will continue any distinctions that emerge from this docket until interstate access reform takes place. Yet access reform cannot take place without acknowledging and addressing the universal service aspects of the current system.

---

[1] Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Notice of Proposed Rulemaking*, FCC 96-182 (rel. April 19, 1996) *(NPRM)*.

However, separate these issues the Commission must. This docket must result in rules by August, while the final rules under the new universal service program do not come due until May of next year, and access reform has no congressionally mandated time limit. Considering the tight time frame for developing rules from this complex docket, it is not legally possible for the Commission to address here those interrelated issues which require additional policy considerations and administrative proceedings. Thus, as the Indiana URC and Oregon PUC indicate, the Commission should proceed cautiously to avoid conflicts of policies and violations of laws.[2]

In these reply comments, the National Exchange Carrier Association, Inc. (NECA) addresses three important areas. First, the 1996 Act does not provide a legal basis for permitting interexchange carriers to avoid interstate access charges. Further, a recommended decision of the Joint Board would be necessary to alter current separations rules which prescribe jurisdictional cost recovery.[3] Second, the 1996 Act does not preclude the recovery of embedded costs and local exchange carriers (LECs) must be allowed to recover such costs. Finally, any *bona fide* request guidelines promulgated should help to ensure cost recovery and avoid unnecessary expenditures which would not serve the public interest.

---

[2] *See* Indiana Utility Regulatory Commission (Indiana URC) at 5 (cautioning Commission "not to lightly disregard the long-accepted jurisdictional allocation between state and federal regulatory bodies described in section 152(b) of the 1934 Act"; and stating that FCC's current "posture" "will unnecessarily expose [it] to a substantial risk of extended litigation . . ."); Oregon Public Utility Commission (Oregon PUC) at 29.

[3] The Commission must also provide adequate notice to change its Part 69 access charge rules.

I. THE RECORD REVEALS THE NECESSITY FOR CONTINUING JURISDICTIONAL SEPARATIONS AND CURRENT ACCESS CHARGE RULES[4]

In its initial comments, NECA pointed out that the 1996 Act's local interconnection provisions do not provide any legal basis for permitting interexchange carriers (IXCs) to avoid interstate access charges, whether through unbundled network elements or otherwise.[5] The record further reveals that unless separations and/or interstate access rules are changed, interconnection rules may address only those costs allocated to the intrastate jurisdiction.

Some commenters would like to discontinue jurisdictional separations altogether, as the Commission has tentatively concluded that its rules implementing sections 251 and 252 should apply to both interstate and intrastate aspects of interconnection.[6] More specifically, some commenters would like to allow interconnection for interexchange services through this local competition proceeding. However, as a variety of other commenters make clear, the Communications Act of 1934,[7] the Telecommunications Act of 1996,[8] and the Administrative Procedures Act[9] require the continuation of existing interstate access rules (and thus interstate access tariff charges based on those

---

[4] Addressing primarily section II. B. 2. e. (1) of the NPRM, "Interexchange Services," but also relevant to Commission comments from ¶ 38 (II. A. Scope of the Commission's Regulations) and ¶ 146 (II. B. 2. d. Pricing of Interconnection, Collocation, and Unbundled Network Elements).

[5] NECA Comments at 3-6.

[6] *NPRM* at ¶ 38.

[7] 47 U.S.C.A. §§ 152(b), 410(c). *See also* Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80-286, *Notice of Proposed Rulemaking and Order Establishing Joint Board,* 78 F.C.C. 2d 837 (1980) (*Joint Board Order*).

[8] Sections 251(g), (i) and legislative history of Pub. L. 104-104, 110 Stat. 56 (1996) (to be codified at 47 U.S.C. §§ 151 *et. seq.*).

[9] 5 U.S.C.A. §§ 552-553.

rules) and the jurisdictional separations rules until those rules are repealed or modified after adequate public notice, opportunity for comment, and a recommended Joint Board decision.[10]

As NECA and other commenters stated in their initial comments, the Commission cannot ignore the separations rules for allocating joint costs between the interstate and intrastate jurisdictions that are currently in place and cannot change these rules without a recommended decision of a Joint Board.[11] The Pennsylvania Public Utility Commission (Pa. PUC) points out that application of 47 U.S.C.A. § 152(b) of the Communications Act still warrants application of the separations process and consideration of separated costs.[12] It further states that since the Commission's proposal "would involve drastic changes to the current separations process, before any conclusions are derived in this regard, the matter should first be referred to the 80-286 Joint Board for review and

---

[10] Commenters indicating that continuation of the interstate access rules are legally and/or politically necessary until access reform include: United States Telephone Association (USTA) at 61-63; Bell Atlantic at 8; BellSouth at 60, 62, 76-77; GTE Service Corp. (GTE) at 75-78; Michigan Exchange Carriers Association (Michigan ECA) at 57-58; Minnesota Independent Coalition (Minnesota) at 37-38; Ameritech at 18, 21; NYNEX at 5, 9, 14, 17-19; NECA at 3-6; ALLTEL Telephone Services Corp.(ALLTEL) at 13; Pacific Telesis Group (Pacific Telesis) at 25, 45, 78; Puerto Rico Telephone Company (PRTC) at 12; Southern New England Telephone Company (SNET) at 25; U S WEST at 12, 62; and the Florida Public Service Commission (Florida PSC) at 34-35.

Commenters indicating that continuation of the separations rules are legally and/or politically necessary until reform or repeal of those rules include: Alabama Public Service Commission at 21; Indiana URC at 5; Missouri Public Service Commission (Missouri PSC) at 9-10; Oregon PUC at 29; Pa. PUC at 28; and U S WEST at 10.

[11] 47 U.S.C.A. § 410 (c) and *Joint Board Order*. *See* NECA Comments at 3-4; Missouri PSC at 9-10; National Association of Regulatory Utility Commissioners at 32-33; and Pa. PUC at 28. *See also* Florida PSC at 34-35; GTE at 78; NYDPS at 10-11; NYNEX at 18-19; Oregon PUC at 29; and U S WEST at 10.

[12] Pa. PUC at 28.

recommendation."[13] The Missouri PSC also specifically states that "the vehicle for [separations] review exists in the form of the Joint Board . . ."[14]

Further, as NECA and many other commenters have discussed, an examination of the 1996 Act's legislative history and various provisions, including 251(g) and (i), make clear that section 251 was not designed to allow IXCs to circumvent the current tariff-based system of interstate access charges.[15] NYNEX provides a particularly thorough analysis (based on the statutory language, legislative history, statutory structure and purpose, and the effect on federal and state jurisdiction) to explain why application of section 251 does not apply to an incumbent LEC's interconnection with an IXC to enable the IXC to transmit and route interexchange traffic.[16]

Moreover, even if the Commission still somehow concludes that section 251 might otherwise allow IXCs to purchase unbundled network elements to provide interexchange service (at other than Part 69 rates), Michigan ECA importantly and correctly points out that:

> . . . in determining what network elements should be made available for purposes of subsection (c)(3), such as determining whether loops should be made available for purposes of providing toll service, the Commission must consider whether "the failure to provide access to these network elements would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer."[cite omitted] Clearly, the ability of toll carriers to continue to provide toll service would not be impaired by denying them unbundled network

---

[13] *Id.*

[14] Missouri PSC at 9.

[15] *See* NECA Comments at 4-5; USTA at 61-63; Ad Hoc Coalition of Telecommunications Managers at 6; Bell Atlantic at 8; BellSouth at 60, 62, 76-77; GTE 74-76, 78; Rural Telephone Coalition (RTC) at iv-v; Michigan ECA at 56-58; Minnesota at 37-38; Ameritech at 18, 21; NYNEX at 9, 14, 17-19, 21; ALLTEL at 13; Pacific Telesis at 25, 78; PRTC at 12; SBC Communications (SBC) at 3, 77; SNET at 25; U S WEST at 12, 62; NYDPS at 10-11; and the Florida PSC at 34-35.

[16] NYNEX at 9-21.

> elements because they can continue to use the existing access charge arrangement.[17]

Because denying the IXCs unbundled network elements would not impair them from providing toll service, the Commission should not require incumbent LECs to provide unbundled network elements to requesting carriers for the provision of interexchange services.

Finally, as the controversies and overlapping issues in this docket highlight, expedited interstate access and universal service reform are critical. As discussed, given the push toward open competition and the increase in the number of multi-service firms, some parties argue that a distinction between the existing interstate access charge system and the proposed local interconnection obligations will not be feasible. Current separations and interstate access rules will continue any distinctions that emerge from this docket until interstate access reform takes place. However, interstate access reform must acknowledge and address the universal service aspects of the current rules.

Many commenters who discuss interexchange access issues agree upon the need for such reform.[18] As USTA puts it:

> . . . Section 251 pricing issues are crucial because even though Section 251(c)(2) or (c)(3) do not apply to interstate access, the possibilities for arbitrage are still tremendous. It may prove to be difficult to police the abuse of the unbundled rate elements by the interexchange and other competitive carriers. The solution is

---

[17] Michigan ECA at 57-58, citing the 1996 Act's section 251(d)(2)(B).

[18] *See, e.g.*, ALLTEL at 13-14; AT&T Corp. at 2; Citizens Utilities Company (Citizens) at 22; USTA at 65-66; GTE at 72-73; Michigan ECA at 58; United States Department of Justice at 58; PRTC at 12; SBC at 59-60; Sprint Corp. at 58; Time Warner Communications at 56; U S WEST at 63; and Public Utilities Commission of Ohio at 58.

access charge reform . . .[19]

The difficulty becomes even greater when considering that many more companies will be offering a one-stop-shopping mixture of interexchange and local exchange services and access in the near future as a result of the 1996 Act.

Not all incumbent LECs have the capability to record terminating call information through use of unbundled network elements. Therefore, the incumbent LEC is dependent upon a connecting carrier to identify the origin of the call (*e.g.*, local, intrastate or interstate). The Commission should adopt an interim solution to this problem in this proceeding. Until an access reform proceeding is initiated and completed, the Commission should require self-reporting and certification, from those carriers providing both interexchange and local exchange services, of their interexchange access minutes of use. This usage can then continue to be charged in accordance with Part 69 of the Commission's rules. The Commission requires self-reporting in various other instances to ensure compliance with existing rules[20] and such an interim requirement would be useful in this instance.

---

[19] USTA at 65-66. *See also* Citizens at 22 ("While Section 251(g) is clearly intended to preserve the current access charge regime until it is affirmatively changed, it is also clear that [sections 251 and 252] will undermine the present access structure;" thus access charge reform is imperative).

[20] For example, carriers are obligated to provide percent interstate usage (PIU) to terminating carriers. Expanded Interconnection with Local Telephone Company Facilities, *Memorandum Opinion and Order*, CC Docket No. 91-141, 9 FCC Rcd 5154, 5182-83 (1994) and Expanded Interconnection with Local Telephone Company Facilities, *Second Report and Order and Third Notice of Proposed Rulemaking*, CC Docket No. 91-141, 8 FCC Rcd 7374, 7442-43 (1993).

II. LECs MUST BE ALLOWED TO RECOVER THEIR EMBEDDED COSTS[21]

In the *NPRM* the Commission tentatively concludes that states cannot set rates "by use of traditional cost-of-service regulation, with its detailed examination of historical carrier costs and rate bases."[22] It adds:

> "[i]nstead, the statute appears to contemplate the use of other forms of cost-based price regulation, such as price cap regulation that is indirectly based on costs, or the setting of prices based on a forward-looking cost methodology that does not involve the use of an embedded rate base, such as long-run incremental cost (LRIC)."[23]

The Commission then makes several inquiries regarding the use of LRIC and total service LRIC (TSLRIC) as potential pricing methodologies.

In its initial comments, NECA pointed out the problems with LRIC which even the Commission has acknowledged.[24] Instead, NECA proposed the use of alternative methodologies to permit LECs, especially rural incumbent LECs, to recover their full embedded costs which were incurred under their obligation as carriers of last resort.[25] As NECA had stated, and other parties agree, nothing in the 1996 Act precludes cost-based regulation that would allow for recovery of embedded costs for determining the prices and rate structure of local interconnection.[26]

---

[21] This section addresses NPRM section II. B. 2. d. Pricing of Interconnection, Collocation, and Unbundled Network Elements.

[22] *NPRM* at ¶ 123.

[23] *Id.*

[24] NECA Comments at 8-9.

[25] *Id.* at 9-10.

[26] The 1996 Act reference in section 252(d)(1) to rate of return is describing a type of regulatory proceeding rather than a pricing methodology. This section states that just and reasonable rates for interconnection of facilities shall be based on cost without a "rate-of-return or other rate-

Allowing the recovery of historical and embedded costs is critically important and is supported by the record.[27] As the RTC states, "LECs with the incumbent burdens of universal service, rate averaging, and carrier-of-last resort obligations cannot set prices equal to marginal costs alone."[28] It adds, "[r]ecognition of embedded costs is essential, and particularly necessary for high-cost, rural, sparsely populated areas in which the portion of costs not clearly addressed by incremental theory will most likely constitute a large percentage of the overall cost of recovery burden."[29]

Moreover, other parties make a legitimate argument that any method which did not allow recovery of embedded costs would be confiscatory in violation of the Fifth Amendment's taking clause. For example, USTA states that "LRIC cannot be mandated by a state commission or the FCC because it does not allow recovery of total costs," which include joint, common and embedded costs,

---

based *proceeding*" [emphasis added]. *See* USTA at 40, citing S. Rep. No. 23, 104th Cong., 1st Sess. 21 (1995).

[27] Alaska Telephone Association (Alaska) at 5; Ameritech at 62-63, 72; Bell Atlantic at 14, 35, supporting affidavits of Jerry A. Hausman and Robert W. Crandall; Cincinnati Bell at ii, 6; GTE at 60-63; Lincoln Telephone and Telegraph Company (Lincoln) at 11-13; States of Maine Public Utilities Commission, Montana Public Service Commission, Nebraska Public Service Commission, New Hampshire Public Utilities Commission, New Mexico State Corporation Commission, Utah Public Service Commission and Division of Public Utilities, Vermont Department of Public Service and Public Service Board, and the Public Utilities Commission of South Dakota (Maine *et. al.)* at 19-21; Michigan ECA at 49; NYNEX at 46-47; Roseville Telephone Company at 6-8; RTC at 27-28; SBC at 93; SNET at 29; U S WEST at 28; and USTA at 40. *See also* Alaska Public Utility Commission at 3; BellSouth at 49, 51; Colorado Public Utility Commission at 33-35; Idaho Public Utility Commission at 11; Pacific Telesis at 69; and PRTC at 7-10.

[28] RTC at 26. TSLRIC could have "devastating 'cream skimming' or 'cherry picking' implications in states like Maine where the monthly cost of a loop may vary from under $5.00 to over $200 a month" and where switching and transport costs could vary between areas by factors as great as ten to one. *See* Maine *et. al.* at 18.

[29] RTC at 27-28.

and would therefore be confiscatory.[30]

III. *BONA FIDE* REQUEST GUIDELINES SHOULD ENSURE COST RECOVERY AND AVOID UNNECESSARY EXPENDITURES[31]

The Commission asks whether it should establish standards regarding what would constitute a "bona fide" request to assist states in making determinations for incumbent rural telephone company exemptions, suspensions and modifications.[32] However, it tentatively concluded that the "states alone have authority to make determinations" under section 251(f).[33]

Some commenters imply that detailed *bona fide* request standards might be used to avoid opening rural networks to competition. However, the purpose of such guidelines is to ensure cost recovery and avoid unnecessary costs in responding to requests for interconnection which are not truly "*bona fide*".[34]

---

[30] USTA at 44. USTA makes its confiscatory argument at 41-43, citing *Duquesne Light Co. V. Barasch*, 488 U.S. 299, 308-310 (1989) ("If the rate does not afford sufficient compensation, the State has taken the use of utility property without paying just compensation and so violated the Fifth and Fourteenth Amendments."); *FPC v. Hope Natural Gas Co.*, 320 U.S. 591, 602 (1944) (to avoid being confiscatory, rates must allow carriers to earn returns sufficient to attract investors). Lincoln (at 11-12) makes a similar argument.

[31] These comments address *NPRM* section II. F. Exemptions, Suspensions, and Modifications.

[32] *NPRM* at ¶ 261.

[33] *Id.*

[34] Without certain standards to ensure the sincerity and good faith of the requestor, parties seeking interconnection could issue generic region- or nation-wide "blanket" requests, with no specific plans of actually interconnecting in various rural service areas. Moreover, the state commission must be able to determine, based on the request to interconnect with a rural telephone company, whether or not interconnection would be unduly economically burdensome, technically feasible, and consistent with universal service. *See Joint Explanatory Statement* at 122. If the request does not provide the necessary detail, the state commission would be forced to investigate for itself what level and type of interconnection the requestor has in mind, and what expenditures

NECA urges, and the record supports, the Commission to establish recommended guidelines to ensure that *bona fide* requests for interconnection be detailed and specific enough, and specify ample time frames, to provide for adequate cost recovery for LECs, especially rural incumbent LECs, and preclude any needless investment on their part.[35] Indeed, some Tier 1 LECs have expressed their concerns regarding the fact that *bona fide* requests should allow cost recovery.[36] The issues of cost recovery and assumption of undue financial risks are even more critical for smaller companies.[37]

---

would be necessary.

[35] *See infra*, note 34. Consistent with section 251(f)(2) of the 1996 Act and the MTS and WATS Market Structure Phase III: Establishment of Physical Connections and Through Routes among Carriers; Establishment of Physical Connections by Carriers with Non-Carrier Communications Facilities; Planning among Carriers for Provision of Interconnected Services, and in Connection with National Defense and Emergency Communications Services; and Regulations for and in Connection with the Foregoing, *Report and Order*, CC Docket No. 78-72, Phase III, 100 FCC 2d 860 (1985) dealing with equal access provisions, the Commission might consider establishing a reasonable interval from receipt of a *bona fide* request to implement the requested services. In addition, the Commission may wish to consider establishing *bona fide* request requirements for implementation of number portability for small incumbent LECs. For example, the Commission, in the case of equal access conversion, required non-Bell Operating Companies to convert to equal access within three years of receipt of a *bona fide* request.

[36] Ameritech at 35; Bell Atlantic at 18; BellSouth at 76; GTE at 16; and Pacific Telesis at 17-18.

[37] *See, e.g.,* Alaska at 6; Anchorage Telephone Utility at 5-7; Bay Springs Telephone Co., Crockett Telephone Co. *et al.* at 9-10; Cincinnati Bell at 7-8; Kentucky Public Service Commission at 7; Roseville Telephone Company at 6; SNET at 36; TCA, Inc. - Telecommunications Consultants at 2-5; USTA at 87-91; and Washington Independent Telephone Association at 3.

USTA correctly notes that FCC guidelines should focus on cost causation assuring LECs' full cost recovery; and states that "[i]n no event should a small or mid-size LEC be made to provide a new entrant any unbundled network element or resold service where the LEC is not permitted to recover its total cost." USTA at 91.

CONCLUSION

Considering the tight time frame for developing these local interconnection rules, it is simply not feasible for the Commission to address here the overlapping universal service and interstate access issues. Proper administrative procedure requires those issues be addressed fully in separate proceedings. As NECA stated in its initial comments, "[t]he correct course of action would be to keep the jurisdictional lines between intrastate and interstate access service distinct; to determine the local interconnection requirements within the specific time constraints set forth by the Act; and to ensure policies adopted in this proceeding are carefully coordinated with the pending universal service proceeding and any future access reform proceeding to avoid conflict of rules."[38]

In these reply comments, NECA has shown, and the record supports the conclusion, that the 1996 Act does not provide any legal basis for permitting IXCs to avoid interstate access charges. Further, a recommended decision of the Joint Board would be necessary to alter current separations rules which prescribe jurisdictional cost recovery. To alter its Part 69 access charge rules, the Commission must provide adequate public notice and opportunity to comment.

NECA has also shown, and the record supports, that LECs, especially rural incumbent LECs, must be allowed to recover their embedded costs. The 1996 Act does not preclude the recovery of such costs, and requiring the use of a methodology such as LRIC would prove confiscatory.

---

[38] NECA Comments at 5.

Finally, NECA urges, and the record supports, the Commission to establish recommended guidelines to ensure that *bona fide* requests for interconnection be detailed and specific enough, and specify ample time frames, to provide for cost recovery for LECs, especially rural incumbent LECs, and preclude any needless investment on their part.

Respectfully submitted,

NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.

By: /s/ Perry S. Goldschein (SAD)
Perry S. Goldschein
Regulatory Manager

By: /s/ Joanne S. Bochis (SAD)
Joanne Salvatore Bochis
100 South Jefferson Road
Whippany, New Jersey 07981

Its Attorney

May 30, 1996

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Reply were served this 30th day of May 1996, by mailing copies thereof by United States Mail, first class postage paid, or by hand delivery, to the persons listed below.

By: Lenora Prosperi
Lenora Prosperi

The following parties were served:

William F. Caton*
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554
(Original and fourteen copies, plus one diskette)

International Transcription Services, Inc.*
2100 M Street, NW, Suite 140
Washington, DC 20037
(One copy and one diskette)

Janice Myles*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 544
Washington, DC 20554
(One copy and one diskette)

Kevin C. Gallagher - Sr. Vice President
General Counsel and Secretary
360° Communications Company
8725 West Higgins Road
Chicago, IL 60631

Rodney L. Joyce
Ginsburg, Feldman and Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
Attorney for Ad Hoc Coalition of Corporate Telecommunications Managers

David A. Gross
Kathleen Q. Abernathy
AirTouch Communications, Inc.
1818 N Street, NW, Suite 800
Washington, DC 20036

Mary E. Newmeyer
Federal Affairs Advisor
Alabama Public Service Commission
P. O. Box 991
Montgomery, AL 36101

Don Schroer, Chairman
Alaska Public Utilities Commission
1016 West Sixth Avenue, Suite 400
Anchorage, AK 99501-1963

James Rowe
Executive Director
Alaska Telephone Association
4341 B Street, Suite 304
Anchorage, AK 99503

Dr. Barbara O'Connor - Chairwoman
Mary Gardiner Jones - Policy Chair
Alliance for Public Technology
901 15th Street, Suite 230
Washington, DC 20005

Curtis T. White - Managing Partner
Allied Associated Partners, LP and
GELD Information Systems
4201 Connecticut Avenue, NW, Suite 402
Washington, DC 20008-1158

Carolyn C. Hill
ALLTEL Telephone Services Corporation
655 15th Street, NW
Suite 220
Washington, DC 20005

Brad E. Mutschelknaus
Steve A. Augustino
Mariesann K. Zochowski
KELLEY DRYE & WARREN
1200 19th Street, NW
Suite 500
Washington, DC 20036
Attorneys for American Communications Services, Inc.

Alan Dinsmore
Senior Governmental Relations Representative
American Foundation for the Blind
Governmental Relations Group
1615 M Street, NW, Suite 250
Washington, DC 20036

Paul Schroeder
Director AFB Midwest and National Program
Associate in Technology and Telecommunications
AFB Midwest
401 N Michigan Avenue, Suite 308
Chicago, IL 60611

Alan R. Shark, President
American Mobile Telecommunications Assoc., Inc.
1150 18th Street, NW, Suite 250
Washington, DC 20036

Danny E. Adams
Steven A. Augustino
KELLEY, DRYE & WARREN, LLP
1200 Nineteenth Street, NW, Suite 500
Washington, DC 20036
Attorneys for American Network Exchange, Inc and U.S. Long Distance, Inc.

Jonathan D. Blake
Kurt A. Wimmer
Gerald J. Waldron
Donna M. Epps
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20044
Attorneys for Sprint Spectrum and American Personal Communications

Anne P. Schell
Vice President, External Affairs
American Personal Communications
One Democracy Center
6901 Rockledge Drive, Suite 600
Bethesda, MD 20817

Charles H. Helein - General Counsel
Helein & Associates, P.C.
8180 Greensboro Drive
Suite 700
McLean, VA 22102
Attorney for America's Carriers Telecommunication Association

Wayne V. Black
C. Douglas Jarrett
Susan M. Hafeli
Keller and Heckman
1001 G Street, NW
Suite 500 West
Washington, DC 20001
Attorneys for American Petroleum Institute

James Baller
Lana Moller
The Baller Law Group
1820 Jefferson Place, NW
Suite 200
Washington, DC 20036
Attorneys for American Public Power Association

Albert H. Kramer
Robert F. Aldrich
Dickstein, Shapiro & Morin, L.L.P.
2101 L Street, NW
Washington, DC 20037-1526
Attorneys for American Public Communications Council

Antoinette Cook Bush
Linda G. Morrison
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, NW
Washington, DC 20005
Attorneys for Ameritech

Paul J. Berman
Alane C. Weixel
Covington & Burling
1201 Pennsylvania Avenue, NW
P. O. Box 7566
Washington, DC 20044-7566
Attorneys for Anchorage Telephone Utility

Carl W. Northrop
Christine M. Crowe
Paul, Hastings, Janofsky & Walker
1299 Pennsylvania Avenue, NW
10th Floor
Washington, DC 20004-2400
Attorney for Arch Communications Group, Inc.

Christopher C. Kempley, Assistant Chief Counsel
Deborah R. Scott, Staff Attorney
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, AZ 85007

Bettye Gardner
Association for the Study of Afro-American Life and History, Inc. (ASALH)
1407 Fourteenth Street, NW
Washington, DC 20005-3704

Richard J. Metzger
Emily M. Williams
Association for Local Telecommunications Services
1200 19th Street, NW, Suite 560
Washington, DC 20036

Mark C. Rosenblum
Roy E. Hoffinger
Stephen C. Garavito
Richard H. Rubin
AT&T Corp.
295 North Maple Avenue
Room 3245I1
Basking Ridge, NJ 07920

James U. Troup
L. Charles Keller
ARTER & HADDEN
1801 K Street, NW, Suite 400K
Washington, DC 20006
Attorneys for Bay Springs Telephone Co., Inc.; Crockett Telephone Co.; National Telephone Company of Alabama; Peoples Telephone Company; Roanoke Telephone Company; and West Tennessee Telephone Company

Michael E. Glover
Leslie A. Vial
James G. Pachulski
Lydia Pulley
1320 North Court House Road
8th Floor
Arlington, VA 22201
Attorneys for Bell Atlantic

John T. Scott, III
Crowell & Moring
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Attorney for Bell Atlantic NYNEX Mobile, Inc.

M. Robert Sutherland
Richard M. Sbaratta
A. Kirven Gilbert III
BellSouth Corporation
BellSouth Enterprises, Inc.
BellSouth Telecommunications, Inc.
1155 Peachtree Street, NE
Suite 1700
Atlanta, GA 30309-3610

Earl Pace
Chairman, Legislative Committee
Black Data Processors Association (BDPA)
1250 Connecticut Avenue, NW
Suite 610
Washington, DC 20036

Timothy E. Welch
Hill & Welch
Suite 113
1330 New Hampshire Avenue, NW
Washington, DC 20036
Attorney for City of Bogue, Kansas

Mark J. Palchick
Stephen M. Howard
Verys, Sater, Seymour & Pease
1828 L Street, NW, Suite 1111
Washington, DC 20036
Attorneys for Buckeye Cablevision

Danny E. Adams
John J. Heitmann
Kelley Drye & Warren, LLP
1200 19th Street, NW
Washington, DC 20036
Attorneys for Cable & Wireless, Inc.

Peter Arth, Jr.
Edward W. O'Neill
Mary Mack Adu
People of the State of California and the Public Utilities Commission of the State of California
505 Van Ness Avenue
San Francisco, CA 94102

Michael F. Altschul
Vice President, General Counsel
Randall S. Coleman
Vice President for Regulatory Policy and Law
Cellular Telecommunications Industry Association
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036

Richard Rubin
Steven N. Teplitz
Fleischman and Walsh, L.L.P.
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
Attorneys for Centennial Cellular Corp.

Winston Pittman
Chrysler Minority Dealers Association
American Center
27777 Franklin Road, Suite 1105
Southfield, MI 48034

Thomas E. Taylor
Jack B. Harrison
Frost & Jacobs
2500 PNC Center
201 East Fifth Street
Cincinnati, OH 45202
Attorneys for Cincinnati Bell Telephone Company

Richard M. Tettelbaum, Associate General Counsel
Citizens Utilities Company
1400 16th Street, NW, Suite 500
Washington, DC 20036

Robert J. Hix, Chairman
Vincent Majkowski, Commissioner
Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

Gerald M. Zuckerman
Edward B. Myers
Communications and Energy Dispute Resolution
Associates
International Square
1825 I Street, NW, Suite 400
Washington, DC 20006

Terrance P. McCarthy
President
COMAV, Corp.
60 State Street - 22nd Floor
Boston, MA 02109

Howard J. Symons
Cherie R. Kiser
Russell C. Merbeth
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20004
Attorneys for Comcast Corporation

Ronald J. Binz, President
Debra Berlyn, Executive Director
Competition Policy Institute
1156 15th Street, NW Suite 310
Washington, DC 20005

Robert J. Aamoth
Wendy I. Kirchick
Reed Smith Shaw & McClay
1301 K Street, NW
Suite 1100 - East Tower
Washington, DC 20005
Attorneys for Competitive Telecommunications
Association

Reginald J. Smith - Chairperson
Connecticut Department of Public Utility Control
10 Franklin Square
New Britain, CT 06061

Frank W. Lloyd
Donna N. Lampert
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo
701 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20004
Attorneys for Continental Cablevision, Inc.

Bradley C. Stillman, Esq.
Dr. Mark N. Cooper
Consumer Federation of America
1424 16th Street, NW, Suite 604
Washington, DC 20036
Counsel for Consumer Federation of America and
Consumers Union

Werner K. Hartenberger
Leonard J. Kennedy
Laura H. Phillips
J. G. Harrington
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Suite 800
Washington, DC 20036
Attorneys for Cox Communications, Inc.

Lawrence D. Crocker, III
Acting General Counsel
Public Service Commission of The District of
Columbia
450 Fifth Street, NW
Washington, DC 20001

Prof. Nicholas Economides
Stern School of Business
New York University
New York, NY 10012

David C. Jatlow
Young & Jatlow
2300 N Street, NW, Suite 600
Washington, DC 20036
Attorney for The Ericsson Corporation

Thomas K. Crowe
Law Offices of Thomas K, Crowe, P.C.
2300 M Street, NW, Suite 800
Washington, DC 20037
Attorney for Excel Telecommunications, Inc.

Cynthia Miller - Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Marc A. Stone
Manager - Regulatory/Legislative Affairs
Fred Williamson & Associates, Inc.
2921 East 91st Street
Suite 200
Tulsa, OK 74137-3300

Michael J. Shortley, III
Frontier Corporation
180 South Clinton Avenue
Rochester, NY 14646

Kathy L. Shobert
Director, Federal Affairs
General Communication, Inc.
901 15th Street, NW, Suite 900
Washington, DC 20005

B. B. Knowles - Director of Utilities
Dave Baker - Chairman
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334-5701

Emily C. Hewitt - General Counsel
Vincent L. Crivella - Assoc General Counsel
Michael J. Ettner - Senior Assistant General Counsel
General Services Administration
18th & F Streets, NW, Room 4002
Washington, DC 20405

Maudine Cooper
Greater Washington Urban League, Inc.
3501 Fourteenth Street, NW
Washington, DC 20010

Eric J. Branfman
Morton J. Posner
Swidler & Berlin, Chtd.
300 K Street, NW, Suite 300
Washington, DC 20007
Attorneys for GST Telecom, Inc.

Richard E. Wiley
R. Michael Senkowski
Jeffrey S. Linder
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006
Attorneys for GTE Service Corporation

Veronica M. Ahern
Nixon, Hargrave, Devans & Doyle LLP
One Thomas Circle, Suite 700
Washington, DC 20005
Attorney for Guam Telephone Authority

Robert C. Schoonmaker - Vice President
GVNW Inc./Management
P. O. Box 25969
2270 La Montana Way
Colorado Springs, CO 80936

Robert A. Hart IV, Owner
Hart Engineers
P. O. Box 66436
Baton Rouge, LA 70896

H. Keith Oliver - Accounting Manager
Home Telephone Company, Inc.
200 Tram Street
Moncks Corner, SC 29461

Dana Frix
Douglas G. Bonner
Swidler & Berlin, Chtd.
3000 K Street, NW, Suite 300
Washington, DC 20007
Attorneys for Hyperion Telecommunications, Inc.

Weldon B. Stutzman
Deputy Attorney General
Idaho Public Utilities Commission
P. O. Box 83720
Boise, ID 83720-0074

David W. McGann
Special Assistant Attorney General
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, IL 60601

Dwight E. Zimmerman
Executive Vice President
Illinois Independent Telephone Association
RR 13, 24B Oakmont Road
Bloomington, IL 61704

Robert C. Glazier
Director of Utilities
Indiana Utility Regulatory Commission
Indiana Government Center South
302 West Washington, Suite E306
Indianapolis, IN 46204

Fiona Branton
Director, Government Relations and Regulatory Counsel
Information Technology Industry Council
1250 Eye Street, NW
Washington, DC 20005

Albert H. Kramer
Robert F. Aldrich
Dickstein, Shapiro & Morin, L.L.P.
2101 L Street, NW
Washington, DC 20037-1526
Attorneys for IntelCom Group

Jonathan E. Canis
Reed Smith Shaw & McClay
1301 K Street, NW
Suite 1100 East Tower
Washington, DC 20005
Counsel for Intermedia Communications, Inc.

Brian R. Moir
Moir & Hardman
2000 L Street, NW
Suite 512
Washington, DC 20036-4907
Attorney for International Communications Association

William H. Smith, Jr., Chief
Bureau of Rate and Safety Evaluation
Iowa Utilities Board
Lucas State Office Building
Des Moines, IA 50319

Michael S. Fox
Director, Regulatory Affairs
John Staurulakis, Inc.
6315 Seabrook Road
Seabrook, MD 20706

Christopher W. Savage
Navid C. Haghighi
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
Attorneys for Jones Intercable, Inc.

David Heinemann - General Counsel
Julie Thomas Bowles - Assistant General Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

Amy E. Dougherty - Attorney
Kentucky Public Service Commission
P. O. Box 615
Frankfort, KY 40602

Richard N. Koch
10 Lilac Street
Sharon, MA 02067

Robert J. Aamoth
Jonathan E. Canis
Reed Smith Shaw & McClay
1301 K Street, NW
Suite 1100 East Tower
Washington, DC 20005
Attorney for LCI International Telcom Corp.

Peter A. Rohrbach
Linda L. Oliver
Kyle Dixon
Hogan & Hartson, L.L.P.
555 Thirteenth Street, NW
Washington, DC 20004
Attorneys for Worldcom, Inc. d/b/a LDDS Worldcom

Robert A. Mazer
Albert Shuldiner
Mary Pape
Vinson & Elkins
1455 Pennsylvania Avenue, NW
Washington, DC 20004-1008
Attorneys for The Lincoln Telephone and Telegraph Company

Lawrence St. Blanc - Secretary
Gayle T. Kellner, Esq.
Louisiana Public Service Commission
P. O. Box 91154
Baton Rouge, LA 70821-9154

Stephen R. Rosen
Theodore M. Weitz
Lucent Technologies, Inc.
475 South Street
Morristown, NJ 07962-1976

Joel B. Shifman, Esq.
Maine Public Utilities Commission
242 State Street, State House Station No. 18
Augusta, ME 04333-0018
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Karen Finstad-Hammel, Esq.
Montana Public Service Commission
1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620-2601
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Lowel C. Johnson - Vice-Chair
Nebraska Public Service Commission
300 The Atrium, 1200 N Street
Lincoln, NE 68508
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

E. Barclay Jackson, Esq.
New Hampshire Public Utilities Commission
8 Old Suncook Road
Concord, NH 03301-7319
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

David Kaufman, Esq.
New Mexico State Corporation Commission
P.O. Box 1269
Santa Fe, NM 87504-1269
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Stephen F. Mecham, Chairman
Utah Public Service Commission
160 East 300 South
P. O. Box 45585
Salt Lake City, UT 84145
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Michael L. Ginsberg - Assistant Attorney General
Utah Division of Public Utilities
160 East 300 South
Box 146751
Salt Lake City, UT 84114-6751
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

George E. Young, Esq.
Vermont Public Service Board
112 State Street
Drawer 20
Montpelier, VT 05620-2701
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Sheldon M. Katz, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Rolayne Ailts Wiest, Esq.
South Dakota Public Utilities Commission
500 E. Capitol
Pierre, SD 57501
(States of Maine, New Hampshire and South Dakota Public Utilities Commissions, States of Montana and Nebraska Public Service Commissions, New Mexico State Corporation Commission, Vermont Department of Public Service and Public Service Board and Utah Public Service Commission and Department of Public Utilities)

Bryan G. Moorhouse - General Counsel
Susan Stevens Miller - Assistant General Counsel
Maryland Public Service Commission
6 St. Paul Street
Baltimore, MD 21202

John B. Howe, Chairman
Mary Clark Webster, Commissioner
Janet Gail Besser, Commissioner
The Commonwealth of Massachusetts Department of Public Utilities
100 Cambridge Street, 12th Floor
Boston, MA 02202

Scott Harshberger
Attorney General
The Commonwealth of Massachusetts Office of the Attorney General
200 Portland Street
Boston, MA 02114

Greg Berberich
Vice President of Government and Regulatory Affairs
Matanuska Telephone Association, Inc.
1740 South Chugach Street
Palmer, AK 99645

Don Sussman
Larry Fenster
Charles Goldfarb
Mark Bryant
Mary L. Brown
MCI Telecommunications Corp.
1801 Pennsylvania Avenue, NW
Washington, DC 20006

Andrew D. Lipman
Russell M. Blau
Swidler & Berlin, Chartered
3000 K Street, NW, Suite 300
Washington, DC 20007
Attorneys for MFS Communications Company, Inc.

Henry M. Rivera
Larry S. Solomon
J. Thomas Nolan
Ginsburg, Feldman & Bress, Chartered
1250 Connecticut Avenue, NW
Washington, DC 20036
Attorneys for Metricom, Inc.

Glen A. Schmiege
Mark J. Burzych
Foster, Swift, Collins & Smith, P. C.
313 South Washington Square
Lansing, MI 48933
Attorneys for Michigan Exchange Carriers Association, Inc.

William J. Celio
Ronald G. Choura
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48911

Richard J. Johnson
Michael J. Bradley
Moss & Barnett
4800 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4129
Attorneys for Minnesota Independent Coalition

Eric Witte - Attorney
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Harold Crumpton
Commissioner of the Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Gene P. Belardi - Vice President
MobileMedia Communications, Inc.
2101 Wilson Boulevard, Suite 935
Arlington, VA 22201

James N. Horwood
Scott H. Strauss
Wendy S. Lader
Spiegel & McDiarmid
1350 New York Avenue, NW
Suite 1100
Washington, DC 20005-4798
Attorneys for Municipal Utilities

Paul Rodgers - General Counsel
Charles D. Gray - Assistant General Counsel
James Bradford Ramsay - Deputy Assistant General Counsel
National Association of Regulatory Utility Commissioners
1201 Constitution Avenue, Suite 1102
P. O. Box 684
Washington, DC 20044

Martha S. Hogerty
Public Counsel, State of Missouri
1133 15th Street, NW, Suite 550
Washington, DC 20005
On behalf of National Association of State Utility Consumer Advocates

Aliceann Wohlbruck
Executive Director
National Association of Development Organizations
444 North Capitol Street, NW
Suite 630
Washington, DC 20001

John Crump - Executive Director
National Bar Association
1225 11th Street, NW
Washington, DC 20001-4217

Daniel L. Brenner
Neal M. Goldberg
David L. Nicoll
National Cable Television Association, Inc.
1724 Massachusetts Avenue, NW
Washington, DC 20036

Douglas L. Povich
Kelly & Povich, P.C.
1101 30th Street, NW, Suite 300
Washington, DC 20007
Attorney for National Wireless Resellers Association

Maureen O. Helmer - General Counsel
New York State
Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Ann Kutter - Deputy Executive Director
Douglas Elfner - Utility Intervenor
The New York State Consumer Protection Board
99 Washington Avenue
Albany, NY 12210

Robert S. Foosaner - Senior Vice President
Lawrence R. Krevor - Director
Laura L. Holloway - General Attorney
Nextel Communications, Inc.
800 Connecticut Avenue, NW, Suite 1001
Washington, DC 20006

Daniel Waggoner - Attorney
Davis Wright Tremaine - Law Offices
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Attorney for Nextlink Communications, LCC

Antoinette R, Wike - Chief Counsel
430 North Salisbury Street
P. O. Box 29520
Raleigh, NC 27626-0520
Chief Counsel for Public Staff of North Carolina Utilities Commission

Bruce Hagen - Commissioner
Susan E. Wefald - President
Leo M. Reinbold - Commissioner
North Dakota Public Service Commission
600 East Boulevard
Bismarck, ND 58505

Stephen L. Goodman
Halprin, Temple, Goodman & Sugrue
1100 New York Avenue, NW
Suite 650, East Tower
Washington, DC 20005
Attorney for Northern Telecom, Inc.